

**FLATHEAD COUNTY BOARD OF ADJUSTMENT  
MINUTES OF THE MEETING  
SEPTEMBER 7, 2010**

**CALL TO  
ORDER**

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Board members present were, Scott Hollinger, Mark Hash, Gary Krueger and Craig Wagner. Gina Klempel had an excused absence. Allison Mouch, Alex Hogle and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 3 people in the audience.

**APPROVAL OF  
MINUTES**

Krueger motioned and Wagner seconded to approve the August 3, 2010 minutes. The motion passed unanimously.

**PUBLIC  
COMMENT  
(not related to  
agenda items)**

None.

**JOHN  
CUTHBERTSON  
(FCU 10-12)**

A request by John Cuthbertson for a Conditional Use Permit to allow a community center building operated by a non-profit agency. As proposed, the community center building would function as a family visitation center, providing supervised visitation and parenting education courses for families and children in crisis. The center would be open between Monday and Saturday, from 8 a.m. to 8 p.m., for scheduled visitations and education sessions. There would be no permanent resident at the site. The proposed site is located at 24 West Evergreen within the Evergreen, RA-1 (Residential Apartment) Zoning District.

**STAFF REPORT**

Allison Mouch reviewed Staff Report FCU 10-12 for the Board.

**BOARD  
QUESTIONS**

The board and Mouch discussed the width requirement for the access to the property.

**APPLICANT  
PRESENTATION**

Berni McDonald, program manager for Intermountain, informed the board on what their program offered and services it provided, the width of the existing access, a traffic survey they did on the number of cars which visit the site during a typical week, the cost of running the program, the size of the house being used on the property and what the expansion of the access would entail and cost.

**BOARD  
QUESTIONS**

The board and applicant discussed how long Intermountain expected to reside at the property, the type of clients they serviced, and how long a typical visitation lasted.

**PUBLIC  
COMMENT**

None.

**STAFF  
REBUTTAL**

Mouch clarified the condition concerning access to the property.

**BOARD  
DISCUSSION**

The board and Mouch briefly discussed parking spaces.

Mouch and Krueger discussed impacts to the community from the hours of operation at length.

**MAIN MOTION  
TO ADOPT  
F.O.F. AND  
APPROVE  
(FCU 10-12)**

Wagner made a motion seconded by Hash to adopt staff report FCU 10-12 as findings-of-fact, and approve.

**ROLL CALL TO  
ADOPT F.O.F.  
AND APPROVE  
(FCU 10-12)**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

Mouch and the board discussed striking the condition which concerned the access to the property

**SECONDARY  
MOTION TO  
AMEND THE  
ORIGINAL  
MOTION TO  
APPROVE WITH  
AN  
AMENDMENT  
TO CONDITION  
#6**

Wagner motioned and Hash seconded to amend the original motion to approve the request for a conditional use permit subject to nine conditions, and with an amendment to Condition #6 as follows:

Condition #6 – The existing driveway shall be widened to 20 ft. to accommodate two way traffic onsite, *or shall otherwise meet the intent of FCZR Section 6.16.020*. An amended approach permit may be required by the Flathead County Road and Bridge Department; the revised permit shall be available upon request if, in fact, required.

**BOARD  
DISCUSSION**

The board, Mouch and the applicant discussed the issue of traffic, safety and access to the property at length. They also discussed if the applicant could come back to amend the CUP if

needed, if there was a hardship in expanding the access and what would be involved.

The applicant explained the logistics of the visits.

The board, applicant and Mouch discussed if there was an area next to the access where two cars could pass, the width of the existing access, if two way approaches were required for all businesses, problems with the approach now, concerns for safety, Evergreen School staff's parking lot which abutted the property, if that parking lot could help with the access dilemma and possible wording for the motion.

McDonald asked for clarification on what the board was proposing.

**ROLL CALL TO  
AMEND THE  
ORIGINAL  
MOTION TO  
APPROVE WITH  
AN  
AMENDMENT  
TO CONDITION  
#6**

On a roll call vote, the motion passed unanimously.

**RICHARD AND  
MARY SONJU  
(FCU 10-11)**

A request by Richard & Mary Sonju for a Conditional Use Permit to expand an existing non-conforming use and operate a retail store, manufacturing business and rifle range within the Highway 93 North, SAG-10 (Suburban Agricultural) Zoning District. The property is located at 2902 Highway 93 North.

**STAFF REPORT**

Alex Hogle reviewed Staff Report FCU 10-11 the board.

**BOARD  
QUESTIONS**

Wagner and Hogle discussed if the site was grandfathered.

Hogle gave a brief history of the property.

**APPLICANT  
PRESENTATION**

Terry Kramer, Kramer Enterprises, discussed how the business started, the water and septic systems, the approaches to the property and letters of use for approaches.

Jon Sonju represented the applicants and was there to answer questions.

<b>BOARD QUESTIONS</b>	The board and Sonju discussed what the applicant manufactured.
<b>PUBLIC COMMENT</b>	None.
<b>STAFF REBUTTAL</b>	None.
<b>BOARD DISCUSSION</b>	The board, staff and applicants discussed lighting, conditions which referred to another public agency, if there would be follow through if a condition was violated, the landscaping, hours of operation, and how soon the applicant would start work on the expansion at length.
<b>MAIN MOTION TO ADOPT F.O.F., AMEND CONDITION #11 AND STRIKE CONDITION #12 FCU 10-11)</b>	<p>Krueger made a motion seconded by Wagner to adopt staff report FCU 10-11 as findings-of-fact, amend condition #11 to read:</p> <p>11. The proposed vegetation landscaping plan shall be implemented.</p> <p>and strike condition #12.</p>
<b>BOARD DISCUSSION</b>	The board, staff and applicant discussed at length the issue of landscaping, repercussions of striking condition #11 concerning landscaping in the future and conditions which should or should not be put on conditional use applications and the amount of conditions.
<b>CALL FOR THE QUESTION</b>	Hollinger motioned to call for the question.
<b>VOTE TO CALL FOR THE QUESTION</b>	The motion passed unanimously.
<b>MAIN MOTION TO ADOPT F.O.F., AMEND CONDITION #11 AND STRIKE CONDITION #12 FCU 10-11)</b>	On a roll call vote the motion passed unanimously.

**OLD BUSINESS** Mouch informed the board of the housekeeping issue concerning Nodding Onion FCU 09-08.

**MOTION TO STRIKE CONDITION #4 (FCU 09-08)** Krueger motioned and Wagner seconded to strike condition #4.

**BOARD DISCUSSION** None.

**ROLL CALL VOTE TO STRIKE CONDITION #4 (FCU 09-08)** On a roll call vote, the motion passed unanimously.

**NEW BUSINESS** Grieve informed the board that due to the fact of less staff in the planning office, he would no longer be able to attend all the board meetings. He felt staff was well informed and would be able to answer any questions the board might have.

Wagner offered his kudos to the staff.

The board and Grieve discussed upcoming agendas for future meetings.

The board and Grieve discussed changing a condominium to a townhome, the reasons why that change would need to happen and what the process would entail at length. They also discussed if the county initiated any zone changes, who usually initiated zone changes, spot zoning and a proposed zone change which was slated for the 9-8-10 Planning Board Meeting.

**ADJOURNMENT** The meeting was adjourned at approximately 7:30 pm. on a motion. The next meeting will be held at 6:00 p.m. on October 5, 2010.

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Scott Hollinger, Chairman

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Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 10/5/10*